

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 11, 2006

**D046016      People v. Wells**

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

**D048056      Department of Fair Employment and Housing v. MDG, Inc.**

The order is affirmed. DFEH is entitled to costs on appeal. McConnell, P.J.;  
We Concur: Haller, J., Aaron, J.

**D045303      Whitty et al. v. First Nationwide Mortgage Corporation**

We dismiss the appeal from the judgment. We affirm the order denying the Whittys' JNOV motion. The Whittys are to bear First Nationwide's costs on appeal. Haller, Acting P.J.,  
We Concur: McIntyre, J., Aaron, J.

**D048305      In re Richard B., a Juvenile**

The petition for rehearing is denied.

**D048518      In re Christian P. et al., Juveniles**

The order is affirmed. McConnell, P.J.; We Concur: Benke, J., Nares, J.

**D049761      Jorge B. v Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

The attorney for petitioner Jorge B. has notified the court that a Petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

**D049750      Emily B. v Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

The attorney for petitioner Emily B. has notified the court that a Petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

**D049757      Cheyenne M. v. Superior Court of San Diego County/San Diego County  
Health and Human Services Agency**

The attorney for petitioner Cheyenne M., has notified the court that a Petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 11, 2006 (Continued)

**D049813      Capatli S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Cheyenne M., has notified the court that a Petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

**D048112      People v. Redman**

The conviction and sentence are affirmed but for the order that Redman pay \$570 for appointed counsel fees. That order is reversed and the matter is remanded for a determination on Redman's present ability to pay all or part of the amount. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D048471      In re H.G., a Juvenile**

The order removing H.G. from her placement with Grandparents under section 387 and the judgment terminating parental rights under section 366.26 are reversed. The juvenile court is directed to hold a new section 387 hearing in which it must consider all the criteria in section 361.3. If the court determines the relative placement is not appropriate, it shall conduct a disposition hearing to determine whether removal is required. Irion, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D048732      In re Marriage of Richardson**

Upon written request filed by appellant, the appeal is dismissed.

**D049913      In re Jose G., a Juvenile**

This case has been considered by Associate Justices McIntyre, Haller, and O'Rourke. Appellant Evangelina M. lacks standing to appeal the November 30, 2006 order because her parental rights were terminated on May 7, 2003. The appeal is dismissed.

**D049911      In re Jennifer V. et al., Juveniles**

Associate Justices McIntyre, Haller and O'Rourke have reviewed the notice of appeal received from Marisela V. on December 5, 2006. The notice of appeal references a December 5, 2006 judgment terminating parental rights. Parental rights were terminated on April 18, 2006 and there was no hearing in this case on December 5, 2006. Insofar as Marisela V. may be attempting to appeal an order in the case of Cecelia V., J515572, she lacks standing. The appeal is dismissed.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Cynthia Aaron  
Clerk: D. Moore

**D048208      Sanders v. Ryan et al.**

Cause called on merits. Phillip C. Sanders, argued for appellant, in pro per, telephonically. Stephan A. Aronis, Deputy Attorney General argued for respondent. Mr. Sanders replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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December 11, 2006 (Continued)

**D047684      People v. Lister**

Cause called on merits. Cristina Gabrielidis, Esq. argued for appellant. Marissa Bejarano, Deputy Attorney General argued for respondent. Ms. Gabrielidis replied. Cause submitted.

**D047347      Schatz v. Allen, Matkins, Leck, Gamble & Mallory, LLP**

Cause called on merits. Sean M. SeLegue, Esq. argued for appellant. Joseph Louis Schatz, Esq. argued for respondent. Cause submitted.

Court recessed at 9:55 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Cynthia Aaron  
Clerk: D. Moore

**D047686      People v. Bell**

Cause called on merits. Amanda Benedict, Esq. argued for appellant. Eric Swenson, Deputy Attorney General argued for respondent. Cause submitted.

**D048238      Suarez v. Colosimo**

Cause called on merits. Alvin M. Gomez, Esq. argued for appellant. Bradley Blamires, Esq. argued for respondent. Mr. Gomez replied. Cause submitted.

Court recessed at 2:03 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

**D047822      People v. Oliphant**

Cause called on merits. Douglas E. Baxter, Esq. argued for appellant. Christine Bergman, Deputy Attorney General argued for respondent. Cause submitted.

**D046757      People v. Goodwillie**

Cause called on merits. Gary V. Crooks, Esq. argued for appellant. Garrett Beaumont, Deputy Attorney General argued for respondent. Cause submitted.

**D047705      Seymour v. Heritage Operating LP**

Cause called on merits. David W. Guthrie, Esq. argued for appellant. Christopher Perez, Esq. argued for respondent. Mr. Guthrie replied. Cause submitted.

Court recessed at 2:46 p.m. until Tuesday, December 12, 2006 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 11, 2006 (Continued)

**D049023       Mills v. Crickmore**

Appellant's opposed motion to augment the record on appeal filed on November 27, 2006, is granted. Respondent's unopposed motion to dismiss the appeal has been read and considered by Presiding Justice McConnell, and Associate Justices Haller and O'Rourke. The motion is granted. The appeal is dismissed. Respondent is awarded costs on appeal. (Cal. Rules of Court, rule 27(a)(2)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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December 12, 2006

**D047296      People v. Joiner, Jr.**

The judgment is affirmed. The matter is remanded and the trial court is directed to amend the abstract of judgment to strike the parole revocation restitution fine under Penal Code, section 1202.45, and forward the amended abstract to the Department of Corrections and Rehabilitation. O'Rourke, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D047665      Hendrick v. Lasala**

The order is affirmed. Respondent shall recover costs on appeal. O'Rourke, J.; We Concur: McDonald, Acting P.J., Irion, J.

**D046086      In re Marriage of Brown**

The judgment is affirmed. David is entitled to costs on appeal. McConnell, P.J.; We Concur: Benke, J., Haller, J.

**D047885      People v. Thepsombandith**

The court is directed upon remand to correct the abstract of judgment to reflect the fact that the one-year enhancement on count 6 was imposed pursuant to section 12022.7, subdivision (a), and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

**D048751      In re Anthony F., a Juvenile**

The order is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Nares, J.

**D049873      In re Jonathan W. on Habeas Corpus**

The petition for writ of habeas corpus in In re: Jonathan W. (D049873) will be considered with the pending appeal in In re Jonathan W. (D049570).

**D048683      People v. Lindsey**

The judgment is affirmed. McConnell, P.J.; We Concur: O'Rourke, J., Aaron, J.

**D049839      Flannery et al. v. Superior Court of San Diego County/Gafford**

The petition is denied.

**D049345      In re Flowers on Habeas Corpus**

The petition is denied.

**D049888      Williams v. Superior Court of San Diego County/People**

The petition is denied. The request to stay the appeal is denied.

Court convened at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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December 12, 2006 (Continued)

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald  
Clerk: D. Moore

**D048568      In re Mina G., a Juvenile**

Cause called on merits. Leslie A. Barry, Esq. argued for appellant, telephonically. Carl Fabian, Esq. argued for the minor. J. Jeffrey Bitticks, Deputy County Counsel argued for respondent. Ms. Barry replied. Cause submitted.

Court recessed at 9:26 a.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

**D047064      Tesh as Trustee, etc. et al. v. Letourneau**

Cause called on merits. Robert G. Letourneau, argued for appellant in pro per. Derek H. Sparks, Esq. argued for respondent, Tesh. Gary D. Jander, Esq. argued for respondent, Williams. Mr. Letourneau replied. Cause submitted.

Court recessed at 10:02 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

**D048363      People v. Knox**

Cause called on merits. Patricia Lea Brisbois, Esq. argued for appellant. Robyn Derman, Deputy Attorney General argued for respondent. Ms. Brisbois replied. Cause submitted.

**D048153      People v. Dorn**

Cause called on merits. Kenneth J. Troiano, Esq. argued for appellant. Scott Taylor, Deputy Attorney General argued for respondent. Mr. Troiano replied. Cause submitted.

Court recessed at 10:57 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Cynthia Aaron  
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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**D048049)     Bacher v. Bacher**

**D047913)     Bacher v. Bacher**

Cause called on merits. Eric J. Siegler, Esq. argued for appellant. John J. McCabe, Jr., Esq. argued for respondent. Timothy Smith, Esq. argued for the minor. Mr. Siegler replied. Cause submitted.

Court recessed at 2:22 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

**D046950     Hirsch et al. v. Brown et al.**

Cause called on merits. Daniel J. Gonzalez, Esq. argued for appellant. Candace M. Carroll, Esq. argued for respondent. Mr. Gonzalez replied. Cause submitted.

Court recessed at 3:00 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke

**D047603     Campbell et al. v. Pacific Bell Wireless, LLC et al.**

Cause called on merits. Donald M. Falk, Esq. argued for appellant. Daniel Adam Osborn, Esq. argued for respondent, Giannoit. Jordan L. Lurie, Esq. and Leigh A. Parker, Esq. was present in oral argument for respondent, J. Marvin Campbell. Mr. Falk replied. Cause submitted.

Court recessed at 3:45 p.m. until Wednesday, December 13, 2006 at 9:00 a.m.

**D049331     Brinker Restaurant Corporation v. Superior Court of San Diego County/Hohnbaum et al.**

The application of real parties for an extension of time to file a return is granted. A return may be filed on or before February 2, 2007. Opposition to the applications to file amicus briefs is due on February 2, 2007. Petitioners may file a reply on or before March 2, 2007. Oral argument requests are due on or before March 9, 2007, and should comply with the directions stated in this court's order of December 7, 2006. The stay issue December 7, 2006 remains in effect pending further order of this court.

**D049457     Feinstein et al. v. Superior Court of San Diego County/Schmall et al.**

The petition is denied.

**D049887     Vallas v. Superior Court of San Diego County/Real Estate Analytics, LLC et al.**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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December 12, 2006 (Continued)

**D047797      In re the Marriage of Bissell**

The petition for rehearing is denied.

**D047992      People v. Zabzdyr**

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McDonald, J.



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**D047985      O'Laughlin v. O'Laughlin**

The order is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

**D047433      Mims v. San Diego County Employees Retirement Association**

The judgment is affirmed. The San Diego County Employees Retirement Association is awarded costs on appeal. O'Rourke, J., We Concur: Nares, Acting P.J., Irion, J.

**D049343      In re Barksdale on Habeas Corpus**

The petition is denied.

**D049373      In re Archuleta on Habeas Corpus**

The petition is denied as duplicative of D038207.

**D048609      Atlantic Pacific Home Loans, Inc. v. Superior Court of San Diego County/Midwest Television, Inc.**

The petition is denied. Midwest to recover its costs in these writ proceedings. The stay issued by this court on June 30, 2006, is vacated. Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

**D049608      People v. Carreon**

The judgment is affirmed. McIntyre, J.; We Concur: McDonald, Acting P.J., Aaron, J.

**D047728      In re the Marriage of Schmid**

We affirm the November 23, 2005 order. Appellant to pay respondent's costs on appeal. Haller, Acting P.J., We Concur: McDonald, J., Irion, J.

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion  
Clerk: D. Moore

**D047669      Skinner v. McSherry**

Cause called on merits. Richard R. Skinner, argued for appellant in pro per. James P. Dunne, Esq. argued for respondent. Mr. Skinner replied. Cause submitted.

**D047894      Black Hills Investments, Inc. v. Albertson's, Inc.**

Cause called on merits. Robert R. King, Esq. argued for appellant. Scott Metzger, Esq. argued for respondent. Mr. King replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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December 13, 2006 (Continued)

Court recessed at 9:43 a.m. to change panel members. New panel members: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

**D047198      Padilla v. Department of Motor Vehicles**

Cause called on merits. Paul H. Neuharth, Esq. argued for appellant. Theodore S. Dracar, Esq. argued for respondent. Mr. Neuharth replied. Cause submitted.

Court recessed at 10:14 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

Clerk: D. Moore

**D047107      City of Encinitas v. "F" Street Corporation**

Cause called on merits. A. P. Zmurkiewicz, Esq. argued for appellant. Deborah J. Fox, Esq. argued for respondent. Mr. Zmurkiewicz replied. Cause submitted.

Court recessed at 1:59 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke

**D048782      Jeld-Wen, Inc. v. Superior Court/Marlborough Development Corporation et al.**

Matter called on merits. Jeff G. Harmeyer, Esq. argued for petitioner. Paul K. Hoffman, Esq. argued for real party in interest. Mr. Harmeyer replied. Matter submitted.

Court recessed at 2:19 p.m. to change panel members. New panel members: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion

**D048997      People v. Kelly**

**D049026      People v. Edwards**

Matter called on merits. Craig E. Fisher, Deputy District Attorney argued for petitioner, Kelly. Gary Nichols, Deputy Public Defender argued for real party in interest. Marc Levenson, Certified law student argued for real party in interest, Edwards. Matter submitted as to case no., D048997.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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Court recessed at 2:44 p.m. to change panel members. New panel member: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Terry O'Rourke

**D047096      Inter@ctivate, Inc. v. Cubic Transportation Systems, Inc.**  
Cause called on merits. Kathryn Karcher, Esq. argued for appellant. Joseph J. Wheeler, Esq. argued for respondent. Cause submitted.

Court recessed at 3:05 p.m. until Thursday, December 14, 2006 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 14, 2006

**D036809      Gensler v. Western National Funding Inc., et al.**

The judgment is affirmed. Respondent to recover his costs of appeal. Benke, J.;  
We Concur: McConnell, P.J., McIntyre, J.

**D048300      People v. Loaiza**

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Irion, J.

**D048778      In re the Marriage of Corlew**

The appeal from the Findings and Order After Hearing on April 7, 2006, is dismissed as  
untimely under California Rules of Court, rule 2(a)(1).

**D049469      American Motorists Insurance Co. v. Superior Court of San Diego  
County/Infinet Insurance and Financial Network, Inc.**

The petition is denied.

**D047669      McSherry v. Skinner**

The orders are affirmed. McSherry is entitled to costs on appeal. McDonald, J.;  
We Concur: Nares, Acting P.J., Irion, J.

**D044943      People v. Tuite**

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D047064      Conservatorship of the Person and Estate of Letourneau**

Affirmed. Irion, J.; We Concur: Haller, Acting P.J., McDonald, J.

**D047283      Maraziti v. Griffiths**

The judgment of the trial court is affirmed. Aaron, J.; We Concur: McConnell, P.J., Benke, J.

**D048983      In re Sarah M., a Juvenile**

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D048857      People v. Williams**

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., Aaron, J.

**D046347      In re Nourn on Habeas Corpus**

The judgment is vacated, and the matter is remanded to the Superior Court of San Diego County  
to conduct further proceedings. CERTIFIED FOR PUBLICATION  
McDonald, J.; I Concur: McIntyre, J. Dissenting: Benke, Acting P.J. (Opinion)

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron  
Clerk: D. Moore

**D047909      In re Rafael G., a Juvenile**

Cause called on merits. Laura G. Schaefer, Esq. argued for appellant. Arlene Sevidal, Deputy Attorney General argued for respondent. Ms. Schaefer replied. Cause submitted.

**D048480      Etherton v. Etherton**

Cause called on merits. Garrison Klueck, Esq. argued for appellant. Bruce M. Beals, Esq. and Debra Deck Scott, Esq. argued for respondent. Mr. Klueck replied. Cause submitted.

**D047317      McWethy, Jr. v. Elansari et al.**

Cause called on merits. Amelia A. McDermott, Esq. argued for appellant, Village Green, Inc. and Unique Home Galleries, Inc. Luan K. Phan, Esq. argued for appellant, Elansari and Ansari. Glen Russell Roberts, Esq. argued for respondent. Ms. McDermott replied. Mr. Phan replied. Cause submitted.

Court recessed at 10:01 a.m. to change panel members. New panel members: The Honorable Terry O'Rourke, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

**D049415      Phommachanh et al. v. Superior Court/People-RPI**

Matter called on merits. Kay L. Sunday, Esq. argued for petitioner. Carmela F. Simoncini, Esq. argued for amicus curiae, petitioner. Daniel L. Rodriguez, Deputy District Attorney argued for The People. James E. Atkins, Deputy District Attorney was present in oral argument, but did not argue. Matter submitted.

Court recessed at 10:38 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion  
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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**D048623      In re Jesse P. et al., Juveniles**

Cause called on merits. Niccol Kording, Esq. argued for appellant. Julie E. Braden, Esq. argued for the minors. Paula Roach, Deputy County Counsel argued for respondent. Ms. Kording replied. Cause submitted.

**D047567      Kreun v. Kreun**

Cause called on merits. Leonora T. Kreun, argued for appellant in pro per. Gregg R. Kreun, argued for respondent in pro per. Ms. Kreun replied. Cause submitted.

Court recessed at 2:02 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre

**D047968      Deutsch v. Deutsch**

Cause called on merits. Clinton L. Smith, Esq. argued for appellant. Tracy R. Richmond, Esq. argued for respondent. Mr. Smith replied. Cause submitted.

Court recessed at 2:30 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Joan Irion

**D048243      Lahijani v. Governing Board of the Palomar Community College District**

Cause called on merits. Jason L. Aldrich, Esq. argued for appellant. Andrea Naested, Esq. argued for respondent. Mr. Aldrich replied. Cause submitted.

Court recessed at 2:52 p.m. until Friday, December 15, 2006 at 9:00 a.m.

**D049841      Rudy B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Rudy B. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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**D047899      People v. Murray**

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

**D047266      People v. Contreras et al.**

Torres's judgment is affirmed. Contreras's judgment is modified to include one additional day of custody credit and to strike the section 1202.45 restitution fine. As so modified, Contreras's judgment is affirmed. The trial court is ordered to correct the abstract of judgment and the sentencing minutes accordingly and send the new abstract of judgment to the California Department of Corrections and Rehabilitation. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

Court convened at 9:00 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre  
Clerk: D. Moore

**D048522      Bouton v. USAA Casualty Insurance Company**

Cause called on merits. Jacques J. Kirch, Esq. argued for appellant. Erin B. Hallissy, Esq. argued for respondent. Mr. Kirch replied. Cause submitted.

**D046351      Paris et al. v. Anderson**

Cause called on merits. Rosemary Rodriguez, Esq. argued for appellant. Shirley A. Gauvin, Esq. argued for respondent. Ms. Rodriguez replied. Cause submitted.

**D048280      Chu v. Hsu et al.**

Cause called on merits. John J. Kang, Esq. argued for appellant. Scott McMillan, Esq. argued for respondent. Mr. Kang replied. Cause submitted.

Court recessed at 9:42 a.m. to change panel members. New panel members: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke

**D047948      Webb & Carey, APC v. Keenan**

**D045968      Webb & Carey, APC v. Keenan**

Causes called on merits. Samy S. Henein, Esq. argued for appellant. Patrick D. Webb, Esq. argued for respondent. Gregg Hensrude, Esq. argued for respondent. Mr. Henein replied. Cause submitted as to both cases.

Court adjourned at 10:20 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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**D049184      In re Contreras on Habeas Corpus**

The petition is denied.

**D047999      People v. King**

We reverse King's count 2 conviction for possession of a controlled substance and otherwise affirm the judgment. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

**D048846      People v. Ben**

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Irion, J.

**D047231      Kelly v. Haag**

The opinion filed November 22, 2006, is ordered certified for publication.

**D049931      People v. Ladran**

The petition for transfer filed December 7, 2006 is denied.